

**FINAL REPORT  
OF THE  
NATURAL RESOURCES  
STUDY COMMITTEE**



**Indiana Legislative Services Agency  
200 W. Washington St., Suite 301  
Indianapolis, Indiana 46204-2789**

**November 2013**

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# **Natural Resources Study Committee**

## **Membership Roster**

### **Representatives**

**Sean Eberhart  
Shelbyville**

**Ryan Dvorak  
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### **Senators**

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**Carlin Yoder  
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**Richard Young  
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### **Legislative Services Agency Staff**

**Kathy Norris, Fiscal Analyst  
Steven Wenning, Attorney**

**November 2013**

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

## FINAL REPORT

### **Natural Resources Study Committee**

#### **I. STATUTORY DIRECTIVE**

The Indiana General Assembly enacted legislation in 1963 establishing the Natural Resources Study Committee to do the following:

- Conduct a continuing study of the laws relating to the Department of Natural Resources to the end that legislation may be proposed to better serve the citizens of Indiana. The Committee is to consult with representatives of the Department of Natural Resources and citizens of Indiana for the purpose of proposing legislation to accomplish the following:
  - (a) Repeal of outmoded or unnecessary laws;
  - (b) Consolidation and restatement of existing laws;
  - (c) Improved coordination of state laws with federal laws; and
  - (d) Addition or amendment of laws that will further the purpose for which the Department of Natural Resources was created. (IC 2-5-5-3)
- Advise and assist the Department of Natural Resources in programming its activities and in developing a long-range plan for land acquisition, capital improvement, and development of facilities. (IC 2-5-5-3)
- Oversee the Water Resource Management Program under IC 14-25-7.
- Receive reports from the Invasive Species Council every odd-numbered year. (IC 15-16-10).

#### **II. INTRODUCTION AND REASONS FOR STUDY**

The Natural Resources Study Committee met to carry out its statutory responsibilities under IC 2-5-5-3, IC 14-25-7-16, and IC 15-16-10. The Committee had no additional study topics assigned by the Legislative Council.

#### **III. SUMMARY OF WORK PROGRAM**

The Committee met three times during the 2013 interim:

- (1) August 27 and 28, 2013, at Pokagon State Park, Angola, Indiana.
- (2) October 1 and 2, 2013, at Spring Mill State Park, Mitchell, Indiana.
- (3) October 22, 2013, at the Indiana State Museum in White River State Park, Indianapolis, Indiana.

#### **IV. SUMMARY OF TESTIMONY**

At the August 27, and 28, 2013, meeting, Mr. Ted Bowman, Property Manager of Pokagon State Park, reviewed performance metrics for the park and updated the committee on development activities at Trine State Recreation Area. Chris Smith, Deputy Director, Regulatory Bureau, DNR, updated the committee on various natural resource matters from the previous year. Lt. Col. Steve Hunter, DNR Law Enforcement, distributed boating enforcement statistics and discussed measures taken to address overzealous enforcement practices. Mr. Mark Reiter of the Fish and Wildlife Division reviewed the philosophy behind the allowable weapons and ammunition that may be used to hunt deer and turkey in the state. Mark Basch, Section Head of the Water Rights/Use Section, discussed the increasing number of water withdrawal facilities in the state and reviewed statistics concerning water withdrawals from state reservoirs. The members toured Lake James and the new Trine State Recreation Area. Mark Reiter reviewed the field trial permitting process required for field trials held on public or private grounds. Mr. Scott Langohr from the Beagle Club of Elkhart County commented on the relative ease of the field trial permitting process and described an issue the club has with compliance with DNR field trial permits and game breeders licenses. Mr. Kristopher Krouse and Phil Marshall reviewed data and funding needs of the Invasive Species Council and updated the committee on emerging invasive species and diseases. Representative Bill Friend introduced the topic of the lack of sufficient maintenance funding for the developing trail system in the state. Tim Miller, Sheriff, and Josh Francis, County Commissioner, both of Miami County, described maintenance and enforcement issues related to local trails. Steve Morris, Director, Division of Outdoor Recreation, gave an update on the development of the trail system since 2006.

At the second meeting held October 1 and 2, 2013, Mark Young, Property Manager of Spring Mill State Park, reviewed performance metrics for the park and discussed a proposed dredging project for the lake in the park. Mr. Dan Bortner, Director, State Parks and Reservoirs, discussed silting of manmade lakes located in the southern half of the state and the resulting dredging costs, financing, and disposal issues. Ms. Carol Auslander and Mr. Mike Kinney reviewed business consequences of the 2012 watering ban restrictions in Marion County and the subsequent update and revision of the watering ban ordinance. State Forester John Seifert reviewed Indiana timber buyer's laws and discussed enforcement issues. Mr. Justin Schneider of the Indiana Farm Bureau presented an overview of levee board organization and governance around the state and discussed the need for regulatory oversight as well as financial and technical assistance for levee maintenance and repair. The members toured Spring Mill State Park and viewed the site of the proposed dredging project as well as the sediment deposition field. Ms. Leslie Grow, Naturalist at Hardy Lake Raptor Rehabilitation Center, discussed the public education activities of the Center and the role the Center plays in raptor rehabilitation. She also showed the Committee two permanently injured birds, a barn owl and a bald eagle, as a demonstration of the educational programs presented statewide. Ms. Linea Petercheff, Fish and Wildlife Division, reviewed wild animal rehabilitation and possession laws and rules and discussed proposed revisions to the rules. Ms. Jeanine Bobenmoyer reviewed the corporate structure and mission of the

Natural Resources Foundation and discussed the difficulty the Foundation has encountered trying to obtain a charity gaming license. Deputy Director John Davis and Dan Bortner gave an overview of the State Park Inn system.

The third meeting was held October 22, 2013, at the Indiana State Museum, in White River State Park. Mr. Tom King, CEO of the State Museum and Historic Sites Corporation, addressed the positive cash flow of the museum, plans for a capital campaign, and plans for the future. The members took a short tour of the museum. The committee reviewed and approved the draft final report.

For more detailed information concerning the testimony at a meeting, please see the minutes for the committee, which can be accessed from the General Assembly homepage at <http://www.in.gov/legislative/>.

## **V. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The Committee made no findings.

The Committee made the following recommendations to:

- (1) Study issues of private timber sales and timber theft to include:
  - (a) Exploring a requirement for a timber sale notification of adjoining property owners;
  - (b) Investigating the use of oil and gas lease language as a basis for a revised timber sale statute;
  - (c) Setting a statutory minimum for required bonding and fees;
  - (d) Authorizing the Natural Resources Commission to establish the level of required bonds and fees;
  - (e) Exploring incentives for licensees to exercise more caution; and
  - (f) Addressing multiple offenders.
- (2) Require in the interest of public safety, DNR permits and inspections of facilities licensed by the USDA that house harmful or dangerous wild animals.

### **Approval of the Final Report**

A motion was made and seconded to approve the draft of the Final Report with the inclusion of the October 22, 2013, meeting testimony. The motion was approved unanimously by voice vote.

## WITNESS LIST

Carol Auslander	The Corydon Group for the Landscape Association
Mitch Barloga	Greenways Foundation
Mark Basch	Section Head, Water Rights and Use, Division of Water, DNR
Jeanine Bobenmoyer	Marketing Assistant, Natural Resources Foundation
Daniel Bortner	Director, State Parks and Reservoirs, DNR
Ted Bohman	Property Manager, Pokagon State Park, DNR
Cameron Clark	Director, DNR
John Davis	Deputy Director, DNR
Josh Francis	County Commissioner, Miami County
Representative Bill Friend	House District 23
Leslie Grow	Naturalist, Hardy Lake Raptor Rehabilitation Center, DNR
Russell Hart	Sheriff, Warren County
Amy Hartzog	Fort Wayne Greenways Project
Lt. Col. Steve Hunter	Law Enforcement, DNR
Thomas King	CEO, Indiana State Museum and Historical Sites
Mike Kinney	Kinney Outdoor Solutions
Kristopher Krouse	Chairman, Invasive Species Council
Mike Kuepper	Nickel Plate Trail
Scott Langohr	Elkhart County Beagle Club
Duane McCoy	Licensing Forester, Division of Forestry, DNR
Phil Marshall	Director, Entomology & Plant Pathology, DNR
Tim Miller	Sheriff, Miami County
Ray Moistner	Indiana Hardwood Lumberman's Association
Steve Morris	Director, Outdoor Recreation, DNR
Mike Myers	President, Davies County Council
Linnea Petercheff	Fish and Wildlife Division, DNR
Mark Reiter	Fish and Wildlife Division, DNR
Justin Schneider	Indiana Farm Bureau
John Seifert	Director, Division of Forestry, DNR
Chris Smith	Deputy Director, Regulatory Bureau, DNR
John Yoder	Pumpkin Vine Trati
Mark Young	Property Manager, Spring Mill State Park, DNR